

The French Citizens' Convention on Climate Change

Country report: France

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Following the French President's speech of 25 April 2019 in which Emmanuel Macron announced a change in the decision-making process regarding the ecological transition agenda, a Citizens' Convention for climate change was set up in October 2019.

Unprecedented democratic experiment in France and inspired from the Irish citizens' assemblies¹ and slightly different from the classic "*Grenelle de l'environnement*" of the previous decade², the mandate and the objective of this Convention were to rethink all concrete and practical measures designed to help French citizens cope better with climatic change in the fields of transports, housing insulation and home energy-efficiency improvements with the view to rendering them more efficient; to design complementary incentives or restricting measures and their financing.

Made up of 150 chosen at random citizens representing the French society's diversity, the good working of the Convention is guaranteed by a tripartite institutional structure comprising:

- A governance committee in charge of drawing up the work programme and lead the workings of the Convention;
- A guarantors' committee ensuring that the principles of impartiality, independence and deontology are complied with
- A technical and legal support to ensure the legal transcription of the its proposals.

Following 8 months of discussion and debate, the Citizens' Convention on climate made public its 150 proposals on 18 June 2020, which are grouped into 6 clusters namely housing, food, consumer behaviour, means of transport, and means of

¹ C. de Perthuis, 'Débat : La Convention citoyenne pour le climat... et après?' The Conversation 6 July 2020 available at <https://theconversation.com/debat-la-convention-citoyenne-pour-le-climat-et-apres-141891>

² First of its kind at the time, the 2007 "*Grenelle de l'Environnement*" brought together the government, local authorities, trade unions, businesses and voluntary sectors. Over the Summer of 2007, its six working groups produced 265 commitments articulated around 4 major objectives: fight against climate change; conservation and management of biodiversity and natural environment; protection of health and the environment, while stimulating the economy; creation of a real ecologically-responsible democracy. Those commitments led to the adoption in 2009 and 2010 of two major environmental Acts called "*Grenelle I*" (*Loi n° 2009-967 du 3 août 2009 de programmation relative à la mise en œuvre du Grenelle de l'environnement*) and "*Grenelle II*" (*Loi n° 2010-788 du 12 juillet 2010 portant engagement national pour l'environnement*) Acts.

production. The proposals which also include constitutional amendments have been communicated to the government and Parliament.

This country report provides an overview of this new form of citizens' engagement in climate change policies, of some of the proposals made by the Convention and of their legislative follow-up.

Mandate and objective of the Convention

The organisation of the Convention, the independent governance of its committee and its terms of reference were specified in a letter (*lettre de mission*) addressed by the then Prime Minister Edouard Philippe to Patrick Bernasconi, the Chair of the French economic, social and environmental committee (ESEC)³, a constitutional assembly composed of representatives of employers, trade unions and associations, which has a consultative role in the French legislative process.

The terms of reference of the convention were to define a series of measures to achieve a reduction of at least 40% of greenhouse gas emissions by 2030 compared to 1990. Further, the convention was requested to draw up and send to the Government and the President of the Republic a report summarising its debates and presenting proposed legislative and regulatory measures that it deemed necessary to achieve the said objective. The convention was also allowed to select amongst the proposed legislative measures, those that it deemed should be subject to a referendum.

It was intended that the proposed legislative and regulatory measures be implemented either by referendum, by primary and secondary legislation.

Overall, the Convention was invited to make proposals to fight global warming, its remit notably covering energy efficiency, housing insulation and their financing; and the basic principle of its action was that each of its proposals were to be costed and fully funded.

The institutional structure and decision-making process of the Convention

- **An institutional structure that reflected and represented the diversity of the French society**

According to the PM letter, the Convention was intended to "engage the whole society in the ecological transition, through a representative sample of the population, and to mobilise the collective intelligence to move from consensus on the diagnosis to compromise on the solutions, and start a deep transformation of our lifestyles."⁴ 150 citizens were drawn by lot from the electoral roll and phone directories from 26 August 2019 according to methods used by polling institutes to ensure greater

³ <https://www.conventioncitoyennepourleclimat.fr/wp-content/uploads/2019/09/lettre-de-mission.pdf>

⁴ <https://www.conventioncitoyennepourleclimat.fr/wp-content/uploads/2019/09/lettre-de-mission.pdf>
at 2 (author's translation).

representativity. In order to reflect fully and accurately the French society, the Convention was made up of 51% of women and 49% of men from across 6 age groups reflecting the age structure of the French population. It was also representative of socio-professional categories and of the diverse types of French territories (it notably included 5 representatives of the French overseas territories).

- An independent body with autonomous decision-making powers

The Prime Minister further indicated that he wanted the ESEC to organise the works of the Convention by setting up a governance committee bringing together two experts on climate change and participatory processes from the Ministry for ecological transition, three experts on climate change, three experts on participatory democracy and four experts from the economic and social sector. Three guarantors were also appointed by the president of the Senate, the president of the National Assembly and the president of the ESEC to ensure the neutrality and sincerity of the debates.

The Convention was also supported by a technical and legal support group made up of 14 experts whose role was to advise the members of the Convention on the drafting of proposals the legal transcription of which was ensured by a group of six legal experts.

- Thematic groups

The members of the Convention were divided up in the following five thematic clusters to reflect the societal changes necessary to achieve the objective of the Convention:

- Food and agriculture
- Housing and accommodation
- Employment and industry
- National and regional development and transport policy
- Lifestyles and consumer behaviour

The working calendar of the Convention

Originally scheduled to start in July 2019, the works of the Convention commenced on 4 October 2019 following an 8 month-calendar comprising 7 working week-end sessions. During that period, the member of the Convention auditioned climate experts, economists, professionals from the economic and social sectors and associations.

The last working session took place on 19-21 June 2020. On 21 June, the members of the Convention voted on each of the proposals, rejecting only one of them, and on which of those should be submitted to referendum.

The outcome of the convention

On 26 June 2020, the Convention published on its website its final 460-page report entitled "*Les Propositions de la Convention citoyenne pour le climat*" (The Citizens' Convention's Proposals on Climate Change)⁵.

As the report puts it, "in order to reduce by at least 40% GHGs before 2030, it seems inevitable to review our lifestyles, our ways to consume, produce and work, move around, our housing and eating habits: in 2019, the average carbon footprint of French citizens was 11,2 tonnes whereas it should be 2 tonnes per annum in order to attain the objectives of the Paris Agreement."⁶.

149 proposals were put forward which were divided into 5 headings (consuming, producing and working, moving around, housing and food) and, within each heading, subdivided into objectives⁷.

The following are examples of the most salient objectives and proposals:

1. Making it compulsory to display the carbon impact of products and services

1.a Developing and then implementing a carbon score for all consumer products and services

1.b Make it compulsory to display greenhouse gas emissions in shops and places of consumption as well as in brand

2. Transforming the production tool: promoting more responsible production; developing repair, recycling and waste management channels

2.a Increasing product longevity and reduce pollution at design

2.b Enforcing the law on the prohibition of planned obsolescence

3. Changing the use of the private car: Develop other modes of transport

3.a Encouraging the use of soft or shared means of transport, in particular for home-work journeys, by extending the sustainable mobility package

3.b Reducing incentives for car use by reforming the income tax kilometer allowance system

3.c Encouraging the use of soft or shared means of transport

4. Making energy renovation compulsory by 2040

⁵ available in French at <https://propositions.conventioncitoyennepourleclimat.fr/pdf/ccc-rapport-final.pdf> <accessed 30 July 2020>

⁶ See Report at page 9 available in French at <https://propositions.conventioncitoyennepourleclimat.fr/pdf/ccc-rapport-final.pdf> (author's translation) <accessed 30 July 2020>

⁷ E. Borne, 'La convention citoyenne pour le climat souhaite un référendum sur la Constitution et le crime d'« écocide »' *le Monde* 21 June 2020 available in French at https://www.lemonde.fr/planete/article/2020/06/21/la-convention-citoyenne-pour-le-climat-doit-rendre-ses-propositions-cet-apres-midi_6043625_3244.html <accessed 29 October 2020>

4.a Making it compulsory for owner-occupiers and landlords to renovate comprehensively by 2040

4.b Making it compulsory to replace oil and coal boilers by 2030 in new and renovated houses

5. Guaranteeing a system allowing a healthy, sustainable, more plant-based diet: encouraging more virtuous practices in the collective catering sector

5.a Offering a bonus to help establishments to achieve the objectives of the *EGalim* Act (2018 Act for a balance of commercial relations in the agricultural and food sector and healthy, sustainable and accessible food)

5.b Offering a bonus of 10 cents per meal for small organic and local canteens to help them go through the first three years of the climate transition

5.c Creating a "collective catering observatory"

Two other headings concern constitutional amendments and the financing of the proposed measures.

With regard to the Constitution heading, the objective is to amend the 1958 French Constitution by adding a second paragraph to the Preamble ("The reconciliation of rights, freedoms and principles resulting from them [the Declaration of 1789, the Preamble to the 1946 Constitution and the Charter for the Environment of 2004 referred to in the first paragraph] shall not jeopardise environment protection and the common heritage of mankind")⁸ and a third paragraph to Article 1 ("The Republic guarantees the protection of biodiversity, of the environment and the fight against climate change"⁹). Two proposals for further consideration were also mentioned: reinforcing control over environmental policies and reforming the Economic, social and environmental Committee.

With regard to the financing of the climate transition, taking account of the economic uncertainty caused by Covid-19, the Convention opted for a variety of forms of financing from taxation, use of current financing tools, public and private financing, public borrowing, time-limited and more innovative sources of financing to measures ensuring greater financial transparency. Those forms of financing will operate according to two basic principles: preference for a diversity of financing over a single source, and social justice to prevent the most vulnerable section of the population from being hard hit by the climate transition.

The follow-up of the outcome of the convention

In his response to the members of the Convention of 29 June 2020¹⁰, the President of the Republic declared that he:

⁸ Author's translation.

⁹ Author's translation.

¹⁰ Elysée Palace, 'Emmanuel Macron dit oui à 146 propositions de la Convention citoyenne pour le climat !' 29 June 2020 <https://www.elysee.fr/emmanuel-macron/2020/06/29/le-president-emmanuel-macron-repond-aux-150-citoyens-de-la-convention-citoyenne-pour-le-climat> <accessed 30 July 2020>

- accepted all but three proposals
- rejected the proposal to amend the preamble to the Constitution
- rejected the proposal to limit speed on motorway to 110 km/h
- rejected the 4% tax on corporate dividends exceeding 10 million euros to "participate in the collective financing effort of the ecological transition"¹¹

He further announced:

- the monthly review of the situation by the Government with the members of the Convention;
- the setting up of working groups on the proposals of the "conventional" which, together with parliamentarians and the Government, will allow them to be fully involved in the transformations into laws, into concrete rules;
- to give the members of the Convention a right of alert

More recently, during a meeting with members of the Convention on 14 December 2020, President Macron announced finally his intention to propose a referendum on an amendment of Article 1 of the Constitution to include the "concepts of biodiversity, environment and fight against climate change"¹² following approval by both chambers of Parliament¹³. On 20 January 2021, the Government tabled a Constitutional Bill aimed at including in Article 1 of the Constitution the phrase "[France] guarantees the protection of the environment and biological diversity and the fight against climate change"¹⁴.

However, some of the Convention proposals had already been rejected by the Government or Parliament before they had been made public. For instance,

- during the debates on the Bill on the fight against waste and circular economy (*Loi n° 2020-105 du 10 février 2020 relative à la lutte contre le gaspillage et à l'économie circulaire*), a number of amendments supporting the Convention proposed prohibition on advertising of products with a very high carbon footprint, notably those relating internal flights, were simply rejected;
- a number of amendments to the same Bill and the Energy-climate Bill aimed at prohibiting advertising digital screens in public spaces were equally rejected by members of parliament; and
- during the parliamentary debates on the 2018 Act for a balance of commercial relations in the agricultural and food sector and healthy, sustainable and accessible food, the Agriculture minister was opposed to the idea of an experimental daily vegetarian menu being launched in 2022 in local canteens and collective catering premises.

These are only a few among many other examples.

¹¹ Author's translation.

¹² Author's translation.

¹³ see Editorial, 'Climat : le pari du référendum.' Le Monde 15 Decembre 2020 available at https://www.lemonde.fr/idees/article/2020/12/15/climat-le-pari-du-referendum_6063436_3232.html <accessed 25 January 2021>

¹⁴ Author's translation.

Finally, on 8 January 2021, the Government drew up a Bill on the fight against climate change and resilience strengthening in the face of its effects (*Projet de loi portant lutte contre le dérèglement climatique et renforcement de la résilience face à ses effets*). The bill is to be discussed by the Government on 10 February 2021 before being tabled in the two parliamentary chambers and discussed from the end of March under the expedited procedure (*procédure accélérée*) with one reading in each chamber. It contains five titles which reflect the above-mentioned Convention thematic groups, and a sixth one on the reinforcement of judicial environmental protection. Based on the Convention proposals, the 65-article text is aimed at accelerating the ecological transition in France. Yet, it already seems to mark a step back from the Convention proposals, notably those that form the backbones of the Convention report and are aimed at reducing GHGs by 40% before 2030 within a spirit of social justice¹⁵.

Concluding remarks

A direct response from Macron and his government to the “Gilets Jaunes” (Yellow vests) movement, the Citizens’ Convention on climate change was a new experimental form of participatory democracy in the field of environmental protection with a clear objective, yet whose legal/institutional status that was a source of a controversy¹⁶. While the report of the Convention offers a comprehensive range of proposals to reach its set overall objective, it is yet too early to assess its full impact on the legislative process and on the economy and society since the 2021 Bill on the fight against climate change and resilience strengthening in the face of its effects is still to be discussed by Parliament. However, one might feel optimistic in light of the legislative outcome of the 2007 “*Grenelle de l’environnement*” experiment.

¹⁵ See A. Garric & R. Barroux ‘Transport aérien, passoires thermiques, régulation de la publicité : ce que contient le projet de loi pour le climat’ Le Monde 8 January 2021 available at https://www.lemonde.fr/planete/article/2021/01/08/transport-aerien-passoires-thermiques-regulation-de-la-publicite-le-gouvernement-rend-sa-copie-sur-les-propositions-de-la-convention-citoyenne-pour-le-climat_6065673_3244.html#xtor=AL-32280270 <accessed 8 January 2021>

¹⁶ S. Treyer, ‘Convention citoyenne pour le climat : réussir l’atterrissage périlleux d’un objet institutionnel non identifié’ Billet de blog 7 December 2020 available at <https://www.iddri.org/fr/publications-et-evenements/billet-de-blog/convention-citoyenne-pour-le-climat-reussir-latterrissage> <accessed 29 January 2021>